

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office SEP 27 2006

Returned to applicant for correction _____

Corrected application filed _____

Map filed SEP 27 2006 under 74821T

The applicant **Elko Land and Livestock Company** hereby makes application for permission to change the **Point of Diversion of a portion** of water heretofore appropriated under **Permit 71431**

1. The source of water is **Underground**
2. The amount of water to be changed **3.1216 cfs**
3. The water to be used for **Industrial (Power Generation)**
4. The water heretofore permitted for **Industrial (Power Generation)**
5. The water is to be diverted at the following point **TS Power Plant-TSPP 2 within the NW¼ NE¼, Section 10, T33 N, R48 E, M.D.M., at a point from which the NE corner of Section 12, T33N, R48E, M.D.M. bears N 87°51' 00" E a distance of 12365.35 feet.**
6. The existing permitted point of diversion is located within **TS Power Plant-TSPP 1-proposed within the NW¼ SE¼, Section 11, T33 N, R48 E, M.D.M., at a point from which the E¼ corner of Section 24, T33N, R48E, M.D.M. bears S 35°59'21" E a distance of 12756 feet.**
7. Proposed place of use **Same as Existing Sections 11, 12, 13, 14, 15, 22, 23, and that portion of N½, Section 27 within Boulder Flat (061), T33N, R48E, M.D.M.; Eureka County**
8. Existing place of use **Sections 11, 12, 13, 14, 15, 22, 23, and that portion of N½, Section 27 within Boulder Flat (061), T33N, R48E, M.D.M.; Eureka County**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **January 1 to December 31** of each year.
11. Description of proposed works **Drilled, cased well with motor and pump, totalizing flow meter, and pipeline to the place of use.**
12. Estimated cost of works **\$1,000,000 (one million dollars)**
13. Estimated time required to construct works **one year**
14. Estimated time required to complete the application of water to beneficial use **one year**

15. Remarks: This application adjusts the amount of water to be available from the proposed power plant backup well for use during construction; application(s) will be filed for permanent changes once the well is complete and long-term needs are certain.

By Scott Paine, Water Rights Administrator
s/ Scott Paine
Environmental Department, PO Box 669
Carlin, Nevada 89822

Compared sc/gkl W/gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This temporary permit to change the point of diversion of a portion of the waters of an underground source as heretofore granted under Permit 71431 is issued subject to the terms and conditions imposed in said Permit 71431 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The well must be sealed with cement grout, concrete grout or neat cement from ground level to 100 feet.

The total combined duty of water under Permits 71424, 71428 through 71432, 71434 and Temporary Permits 74820T and 74821T shall not exceed 8975.72 acre-feet annually.

The issuance of this temporary permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on December 19, 2007 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

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The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed 3.12 cubic feet per second, not to exceed 545.84 acre-feet annually.

Work must be prosecuted with reasonable diligence and proof of completion of work shall be filed on or before:

N/A-Temporary

Water must be placed to beneficial use and proof of the application of water to beneficial use shall be filed on or before:

N/A-Temporary

Map in support of proof of beneficial use shall be filed on or before:

N/A-Temporary

IN TESTIMONY WHEREOF, I, TRACY TAYLOR, P.E.,

State Engineer of Nevada, have hereunto set
my hand and the seal of my office,

this 20th day of December, A.D. 2006

Tracy T. Taylor, P.E.
State Engineer